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**BROOKDALE SENIOR LIVING INC.
 and BROOKDALE SENIOR LIVING
 COMMUNITIES, INC.**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

STACIA STINER, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 BROOKDALE SENIOR LIVING INC., et)
 al.)
)
 Defendants.)

Case No. 4:17-cv-03962-HSG

**PARTIES' STIPULATION AND
 ORDER RE SCHEDULE FOR
 EXPERT DEPOSITION OF DR.
 KENNEDY**

1 Plaintiffs and Defendants (collectively, the “Parties”), by their undersigned counsel, respectfully
2 stipulate as follows:

3 WHEREAS, per the Court’s Order dated May 20, 2024 (ECF No. 789), the Court ordered that
4 the deadline for the close of expert discovery was reset to September 12, 2024;

5 WHEREAS, the Parties originally scheduled the deposition of Plaintiffs’ expert Dr. Patrick
6 Kennedy for September 3, 2024;

7 WHEREAS, Plaintiffs’ counsel subsequently could not accommodate the September 3 date and
8 the deposition of Dr. Kennedy was rescheduled for September 11 2024;

9 WHEREAS, Plaintiffs’ counsel subsequently could not accommodate the September 11 date and
10 the deposition of Dr. Kennedy was rescheduled to September 23, 2024.

11 WHEREAS, Plaintiffs can no longer accommodate the September 23 date because Dr. Kennedy
12 is presently in trial in another matter and is unable to appear for his deposition on September 23, 2024;

13 WHEREAS, the Parties are amenable to rescheduling Dr. Kennedy’s deposition for a date on or
14 before October 4, 2024 and agree there is good cause to do so;

15 WHEREAS, the Parties’ *Daubert* motions are presently due to be filed on September 26, 2024.
16 However, given the need to move the deposition of Dr. Kennedy to a date after September 26, 2024, the
17 Parties are agreeable to moving the filing date for any *Daubert* motion regarding Dr. Kennedy to
18 October 9, 2024; and,

19 WHEREAS, Defendants are willing to stipulate that their anticipated *Daubert* arguments
20 pertaining to Dr. Kennedy will not implicate the arguments raised in either Defendants’ Motion for
21 Summary Judgment or Defendants’ Opposition to Plaintiffs’ Motion for Summary Judgment.

22 THEREFORE, IT IS HEREBY STIPULATED, subject to the approval of the Court, that:

- 23 1. Dr. Kennedy’s deposition shall take place on or before October 4, 2024;
24 2. Defendants may file any *Daubert* motion regarding Dr. Kennedy by no later than October 9,
25 2024;
26 3. All other aspects of the case schedule remain unchanged.

27 IT IS SO STIPULATED.
28

1 DATED: September 20, 2024

MOORE & LEE, P.C.

2 /s/ Erica Rutner

3 Erica Rutner
4 Attorneys for Defendants

5
6 DATED: September 20, 2024

SCHNEIDER WALLACE
COTTRELL KONECKY LLP

7
8 /s/ Guy B. Wallace

9 Guy B. Wallace
10 Attorneys for Plaintiffs and the Certified
Classes

11 **ATTORNEY ATTESTATION**

12 Pursuant to Local Rule 5-1(i)(3), I attest that all other signatures listed, in whose behalf this filing is
13 submitted, concur in the filing's content and have authorized the filing.

14
15 /s/ Guy B. Wallace

16 Guy B. Wallace

17 **CERTIFICATE OF SERVICE**

18 I hereby certify that on September 20, 2024, I electronically filed the foregoing document with
19 the Clerk of the Court using the Court's CM/ECF system, which will send a notice of electronic filing to
20 all CM/ECF participants.

21 /s/ Guy B. Wallace

22 Guy B. Wallace

ORDER

Pursuant to Stipulation, and for good cause shown, the Parties' Stipulation is GRANTED.

Dr. Kennedy's deposition shall take place on or before October 4, 2024.

Defendants may file any Daubert motion regarding Dr. Kennedy by no later than October 9, 2024.

Dated: 9/23/2024


HON. HAYWOOD S. GILLIAM, JR.
United States District Judge